

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 10-10358
)	
JEDEDIAH L. BRETTSCHEIDER,)	
)	
Defendant)	

**ASSENTED-TO MOTION FOR ORDER OF EXCLUDABLE DELAY
PURSUANT TO THE SPEEDY TRIAL ACT**

The United States of America, by and through undersigned counsel, respectfully moves this Court to grant a continuance of the time within which the trial of the charged offenses must commence, and exclude the time period from October 9, 2012, through and including December 11, 2012, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C.

§§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv) and Sections 5(b)(7)(A), 5(b)(7)(B) and 5(b)(7)(C)(iv) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the grounds that the ends of justice will be served by granting the requested continuance and excluding this period outweighs the interests of the public and the defendants in a speedy trial. The United States further asks this Court to issue the proposed *Order of Continuance and Excludable Delay* submitted herewith. In support of this request, the United States submits:

1. At a status conference on June 5, 2012, the Court and the parties discussed: (a) defendants Gaetani and Cassandro's need for additional time in which to complete their privilege review of electronic evidence provided by the government, (b) the defendants' need for additional time in which to review discovery which has been made available by the government,

and (c) the parties' need for additional time to prepare discovery and other pretrial motions.

2. The Court scheduled further status conferences for October 9, 2012 and December 11, 2012. There is currently no deadline for filing of discovery motions.

3. The United States requests that the Court enter an order excluding from the speedy trial computation the period from October 9, 2012 through and including the date of the December 11, 2012 interim status conference, as set forth in the proposed order submitted herewith. This period constitutes "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence," and the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv), and Sections 5(b)(7)(A), 5(b)(7)(B) and 5(b)(7)(C)(iv) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts.

4. The defendants have assented to the relief requested herein.

5. A proposed order is attached.

Dated: October 10, 2012

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Kristina E. Barclay
KRISTINA E. BARCLAY
GREGG D. SHAPIRO
Assistant U.S. Attorneys

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

By: /s/ Kristina E. Barclay
KRISTINA E. BARCLAY
Assistant U.S. Attorney